REMARKS

The rejection of claim 30 in the Office Action dated June 25, 2001 is moot in view of the cancellation of this claim.

Applicants submit new claims 58–77. Support for these claims can be found in **Applicants' first priority Application No. 08/941,223, filed September 26, 1997**, a copy is attached for the convenience of the Examiner.

Support for claim 58 can be found in original claim 27. Support for new claim 59 can be found in original claim 28. Support for new claim 60 can be found in original claim 30. Support for new claim 61 can be found in original claim 30 and in the specification on page 19, constructs 6–8. New claim 62 corresponds to original claim 31. New claim 63 corresponds to original claim 34. New claim 64 corresponds to original claim 34 and support can also be found in the specification on page 15, first full paragraph. New claim 65 corresponds to original claim 54. New claim 66 corresponds to original claim 54 and support can also be found in the specification on page 15, first full paragraph. New claim 67 corresponds to original claim 55. New claim 68 corresponds to original claim 56. New claim 69 corresponds to original claim 57. New claim 70 corresponds to original claim 58. New claim 71 corresponds to original claim 60. New claim 72 corresponds to original claim 61. New claim 73 corresponds to original claim 62. New claim 74 corresponds to original claim 63. New claim 75 corresponds to original claim 64. New claim 76 corresponds to original claim 65. New claim 77 corresponds to original claims 54

and 55 and support can also be found in the specification on page 27, lines 10–18. Accordingly no new matter has been added with these amendments.

In a communication from Examiner Forman dated July 10, 2001, the Examiner indicated that the Preliminary Amendment that was received in the USPTO on June 26, 2001 was acknowledged. The Examiner indicated that the first Office Action was mailed on June 25, 2001. She indicated that the amendments would be entered and that because the amendments were not responsive to the first Office Action, the amendments would be addressed upon Applicants' response to the first Office Action.

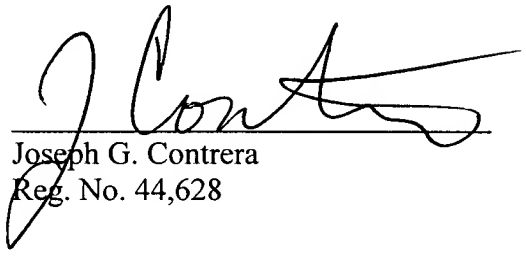
If the Examiner has any questions or comments that would expedite prosecution, the Examiner is invited to contact Applicants' attorneys, Joseph G. Contrera, at (703) 683-3600 or Anne Brown at (216) 426-3586.

Applicants believe that the present application is now in condition for examination. Prompt and favorable consideration of the foregoing amendments is respectfully requested.

The Commissioner is hereby authorized to charge any required fees to Deposit Account No. **50-0622**, referencing Attorney Docket No. **0221-0003O(C)**.

Respectfully submitted,

SHANKS & HERBERT



Joseph G. Contrera
Reg. No. 44,628

Date: December 19, 2001

TransPotomac Plaza
1033 N. Fairfax Street
Suite 306
Alexandria, VA 22314
Phone: (703) 683-3600

AMENDED CLAIMS WITH MARKINGS TO SHOW CHANGES MADE

63. (Once amended) A method for producing a protein from an endogenous cellular gene comprising:

(1) introducing a genetically engineered vector ~~construct~~ comprising a transcriptional regulatory sequence operably linked to an unpaired splice donor sequence into a cell;

(2) maintaining said cell under conditions appropriate for integrating said vector ~~construct~~ into the genome of said cell by non-homologous recombination whereby said transcriptional regulatory sequence and unpaired splice donor sequence are operably linked to said endogenous cellular gene;

(3) maintaining said cell under conditions appropriate for expressing said endogenous cellular gene in said cell by means of said transcriptional regulatory sequence; and

(4) maintaining said cell so as to produce amounts of the protein encoded by said endogenous cellular gene.

65. (Once amended) A method to express and screen for expression of a cellular gene comprising:

(1) introducing a genetically engineered vector ~~construct~~ into a cell and maintaining said cell under conditions appropriate for integrating said vector ~~construct~~ into the genome of a cell, said vector ~~construct~~ lacking targeting sequences and containing a transcriptional regulatory sequence and unpaired splice donor sequence, so that the coding region of a gene in the genome is operably linked to the transcriptional regulatory sequence and splice donor sequence on the vector ~~construct~~; and

(2) screening said cell for expression of a protein that is encoded by said gene.

68. (Once amended) A method to express and screen for expression of a cellular gene comprising:

(1) introducing a genetically engineered vector ~~construct~~ into a cell and maintaining said cell under conditions appropriate for integrating said vector ~~construct~~ into the genome of a cell by non-homologous recombination, said vector ~~construct~~ containing a transcriptional regulatory sequence and unpaired splice donor sequence, so that the coding region of a gene in the genome is operably linked to the transcriptional regulatory sequence and splice donor sequence on the vector ~~construct~~; and

(2) screening said cell for expression of a protein encoded by the cellular gene, said gene and said upstream region of said gene lacking homology to the vector ~~construct~~ that would facilitate homologous recombination of the vector ~~construct~~ with the genome to cause expression of said gene.

72. (Once amended) A purified cell expressing a protein, said cell comprising in its genome a ~~an inserted genetic construct~~ genetically engineered vector, the ~~genetic construct~~ vector comprising a transcriptional regulatory sequence operably linked to a splice donor sequence, said transcriptional regulatory sequence being linked effectively in the cell's genome to a gene in the genome encoding said protein so as to cause expression of said gene and said splice donor sequence being spliced to a splice acceptor sequence in said gene, the ~~construct~~ vector being inserted into said gene or upstream region of said gene, said gene and upstream region having no homology to any sequences in the ~~genetic construct~~ vector that would facilitate homologous recombination of the ~~construct~~ vector with the genome to cause expression of said gene.

73. (Once amended) The cell of claim 72 wherein the ~~inserted genetic construct~~ vector additionally contains an amplifiable marker.

74. (Once amended) A purified cell expressing a protein, said cell comprising in its genome a ~~an inserted genetic construct~~ genetically engineered vector, the ~~genetic construct~~ vector comprising a transcriptional regulatory sequence operably linked to a splice donor sequence, said transcriptional regulatory sequence on the ~~construct~~ vector being linked effectively in the cell's genome to a gene in the genome encoding said protein so as to cause expression of said gene and said splice donor sequence being spliced to a splice acceptor sequence in said gene, the ~~construct~~ vector containing no homology to any sequences in said gene or to upstream regions of said gene that would facilitate homologous recombination of the ~~construct~~ vector with the genome to cause expression of said gene.

76. (Once amended) A purified cell expressing a protein encoded by an endogenous gene, said cell comprising in its genome a ~~an inserted genetic construct~~ genetically engineered vector, the ~~genetic construct~~ vector comprising a transcriptional regulatory sequence operably linked to a splice donor sequence, said transcriptional regulatory sequence on the ~~construct~~ vector being linked effectively in the cell's genome to cause expression of a protein encoded by said gene and said splice donor sequence being spliced to a splice acceptor sequence in said gene, the ~~genetic construct~~ vector being inserted into said gene or upstream region of said gene by non-homologous recombination.

77. (Once amended) A purified cell expressing a protein encoded by an endogenous gene, said cell comprising in its genome a ~~an inserted genetic construct~~ genetically engineered vector, the ~~genetic construct~~ vector comprising a transcriptional regulatory sequence operably linked to a splice donor sequence, said transcriptional regulatory sequence on the ~~genetic construct~~ vector being linked effectively in the cell's genome to cause expression of a protein encoded by said gene and said splice donor sequence being spliced to a splice acceptor sequence in said gene, said ~~genetic construct~~ vector not containing a targeting sequence that would facilitate homologous recombination of the ~~construct~~ vector with the genome to activate expression of said gene.